IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

WEDNESDAY, THE 20TH DECEMBER 2006 / 29TH AGRAHAYANA 1928

WP(C).No. 33987 of 2006(U)

PETITIONER:

REEJA P.K.,
ASSISTANT TEACHER, AUP SCHOOL,
MANNUR, PALAKKAD,
RESIDING AT KOLLUPPARAMBU HOUSE,
VERKOLI PO, PULPALLY, PALAKKAD.

BY ADV. SRI.N.N.SUGUNAPALAN (SR.)
SRI.S.SUJIN

RESPONDENTS:
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1. THE HEADMISTRESS,
A.U.P.SCHOOL, MANNUR, PALAKKAD.

2. MANAGER, A.U.P.SCHOOL,
MANNUR, PALAKKAD.

3. ASSISTANT EDUCATIONAL OFFICER,
PARALI, PALAKKAD.

4. STATE OF KERALA, REPRESENTED BY THE
CHIEF SECRETARY TO GOVT., GOVT. SECRETARIAT,
THIRUVANANTHAPURAM.

R3 & R4 BY GOVT. PLEADER (SHRI A. J. VARGHESE)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 20/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. M. JOSEPH, J.

W.P.C. NO. 33987 OF 2006 U

Dated this the 20th December, 2006

JUDGMENT

Case of petitioner, in brief, is that she was appointed as UPSA and on the same day, two other teachers were also appointed as UPSA. She had approached this Court earlier with the grievance that her service was terminated ignoring her seniority over one Shri Vineeth. This Court directed her representation to be considered with notice to the parties including Shri Vineeth. Ext.P5 is the order passed by third respondent AEO by which the order of second respondent Manager terminating the service of petitioner was cancelled and he was directed to terminate the service of Shri P.S. Vineeth and further directed to shift the lien of petitioner in the vacancy in which Shri P.S. Vineeth was appointed with effect from 1.3.2006 and get approval within a week positively. Ext.P6 is the order produced to show that the AEO asked the Manager to report the action taken as per Ext.P5 and that if no action was

taken, the Manager was directed to release the pay and allowance due to petitioner and report compliance within two days. Ext.P7 is produced to show that as directed by the AEO, petitioner is reinstated in service with effect from 1.3.2006, and that the service of Shri P.S. Vineeth is terminated with effect from 1.3.2006. Complaint of petitioner is that salary is not being paid. Petitioner has preferred Ext.P8 before third respondent, AEO. Heard the learned Government Pleader also. In the facts and circumstances of this case, the Writ Petition is disposed of as follows:

There will be a direction to third respondent AEO to consider and take a decision on Ext.P8 in accordance with law, with notice to petitioner, the second respondent, and Shri P.S. Vineeth who was relieved as per Ext.P5 and any other affected party, within a period of one month from the date of receipt of a copy of this Judgment.

Kbk. **K. M. JOSEPH, JUDGE**